

We affirm the judgment of the Court of Appeal and remand the case with directions that it be remanded in turn to the superior court for recalculation of attorney fees consistent with the views expressed herein.

We Concur:  
George, C.J.  
Kennard, J.  
Baxter, J.  
Werdegarr, J.  
Chin, J.  
Brown, J.

The matter is remanded to the WCAB for further proceedings consistent with our opinion. (See § 5953.)

We Concur:  
George, C.J.  
Mosk, J.  
Kennard, J.  
Baxter, J.  
Chin, J.

Dissenting Opinion by Brown, J.

S011636 People, Respondent

v.

James Nelson Blair, Appellant

Good cause appearing, the application of appellant for an extension of time to file appellant's opening brief is granted to and including March 27, 2001.

S012943 People, Respondent

v.

David Allen Rundle, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 27, 2001.

S024416 People, Respondent

v.

Dellano Leroy Cleveland and Chauncey Jamal Veasley, Appellants

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 30, 2001.

S028339 People, Respondent

v.

Gregory Calvin Smith, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 27, 2001.

No further extensions of time will be granted.

S036105 People, Respondent

v.

Cleophus Prince, Jr., Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including May 7, 2001.

S035769 People, Respondent

v.

James Matthew Heard, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 23, 2001.

No further extensions of time are contemplated.

S044693 People, Respondent

v.

Randall Clark Wall, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including May 4, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S051451 People, Respondent

v.

Alfredo Valencia, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including April 30, 2001, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S081408 In re Jack Gus Farnam

on

Habeas Corpus

On application of petitioner and good cause appearing, the time time for filing a reply to the informal response is extended to and including March 22, 2001. No further extensions of time are contemplated.

The court may proceed to consider and act upon the petition at any time after April 20, 2001.

S089120 People, Respondent

v.

Greg Acosta, Appellant

The application of the Attorney General for permission to file one brief designated as Respondent's Answer and Reply Brief is hereby granted.

It is ordered that the time to serve and file respondent's answer and reply brief is extended to and including March 8, 2001.

S089463 In re Dennis Harold Lawley

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including May 1, 2001.

S092757 In re Willie Branner aka James Willis Johnson

on

Habeas Corpus

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including April 23, 2001.

S092760 In re **Michael C. Moustakas** on Discipline

It is hereby ordered that **Michael C. Moustakas, State Bar No. 55953**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S093644 In re **George A. Creque** on Discipline

It is ordered that **George A. Creque, State Bar No. 115580**, be suspended from the practice of law for six months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation,

fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 3, 2000. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S093646

In re **Gregory Charles Horn** on Discipline

It is ordered that **Gregory Charles Horn, State Bar No. 66234**, be suspended from the practice of law for five years, that execution of suspension be stayed, and that he be actually suspended for three years and until he makes restitution to Olivia Sheppard (or the Client Security Fund, if appropriate) in the amount of \$1,000 plus 10% interest per annum from October 12, 1999; to Jerry McGee (or the Client Security Fund, if appropriate) in the amount of \$1,000 plus 10% interest per annum from October 7, 1999; to Phillip Palacio, Sr. (or the Client Security Fund, if appropriate) in the amount of \$1,000 plus 10% interest per annum from August 27, 1999; to D'Andrea Grantham (or the Client Security Fund, if appropriate) in the amount of \$500, plus 10% interest per annum from September 24, 1999, and in the amount of \$250 plus 10% interest per annum from November 24, 1999, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed October 20, 2000; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205, Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court until he has shown proof satisfactory to the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and

40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S093653 In re **Douglas Brian Kane** on Discipline

It is ordered that **Douglas Brian Kane, State Bar No. 92752**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 27, 2000, as modified by its order filed November 6, 2000. Credit toward the period of actual suspension shall be given for the period of interim suspension which commenced on May 30, 2000. (*In re Young* (1989) 49 Cal.3d 257, 270.) It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for the years 2002, 2003 and 2004. (Bus. & Prof. Code section 6086.10.)

S093730 In re **Gene Mindel** on Discipline

It is ordered that **Gene Mindel, State Bar No. 176828**, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be actually suspended for 30 days and until he makes restitution to Carlos A. Pedroza (or the Client Security Fund, if appropriate) in the amount of \$1,700.00 plus 10% interest per annum from December 17, 1998, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, as recommended by the Hearing Department of the State Bar Court in its decision filed on October 4, 2000; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. **Gene Mindel** is also ordered to comply

with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If **Gene Mindel** is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If he is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S093733 In re **William Randolph Neill** on Discipline

It is hereby ordered that **William Randolph Neill, State Bar No. 43582**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Costs are awarded to the State Bar.

S093828 In re **Michael Charles Moustakas** on Discipline

Disbarment having been ordered in S092760, this proceeding is dismissed without prejudice to further proceedings should respondent hereafter seek reinstatement.

S093830 In re **Daniel D. McLeod** on Discipline

It is ordered that **Daniel D. McLeod, State Bar No. 127210**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed October 16, 2000. It is further ordered that he take

and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S093831 In re **Thomas Glen Hahn** on Discipline

It is ordered that **Thomas Glen Hahn, State Bar No. 55041**, be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for nine months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. **Thomas Glen Hahn** is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed September 12, 2000. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order (see *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.), unless he has successfully completed the Multistate Professional Responsibility Examination within one year prior to the effective date of this order. It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S093839      In re **Gary Joseph Near** on Discipline

It is ordered that **Gary Joseph Near, State Bar No. 45678**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 23, 1999. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, unless he has previously taken and passed such examination between December 23, 1999, and the effective date of this disciplinary order. Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.